

IV. REMARKS

This amendment is in response to the Office Action mailed December 30, 2005 in which the statutory period is set to expire in three months or on March 30, 2006.

This amendment is being timely filed.

A. The Claims As Of December 30, 2005

A review of the claims in the application as of December 30, 2005 is believed appropriate:

Claims 15-17 have been withdrawn.

Claims 18-20 have been cancelled.

Claims 21-31 had been allowed. They are now rejected and Claims 26-28 and 30 have been indicated to include allowable subject matter.

Claims 32-49 have been allowed.

Claims 50-57 have been allowed.

A terminal disclaimer has been filed as to Claims 21-57.

B. This Amendment

Applicant has amended pending claims 21, 26-28, 30, 45 and 49, added new claims 58 and 59 and presents arguments herein as to the patentability of the unallowed claims. The claims will be grouped and discussed hereafter.

Claims 32-49 these claims have been allowed. In Claim 45 a minor/inadvertent error was corrected to change "3600 gallons per minute" to --about 3600 gallons per hour--. This change is supported by the disclosure and is not believed to impact the patentability of the

already allowed claims. In Claim 49 “stacked” was changed to --stack--. Claims 32-44 and 46-48 are unchanged. Continued allowance of Claims 32-49 is appropriate.

Claims 50-57 remain allowed. No amendments have been made to any of these claims. Continued allowance is appropriate.

Claim 30 has been indicated to be allowable, has been amended to independent form and has been amended to change “3600 gallons per minute” to --about 3600 gallons per hour-- (which is consistent with the disclosure).

Claims 26-28 have been indicated to be allowable. It is to be noted that 26 is dependent upon 21, 27 on 26 and 28 on 27. Claim 26 has been amended to independent form and language regarding the coupling of the primary and additional modules has been added to clarify the claims. Claims 26-28 are believed to be allowable.

Claims 21-25, 29 and 31. Claim 21 (from which the dependent claims depend either directly or indirectly) has been amended to include limitations relating to the relation of the horizontal cross sectional areas of the base and of the body portions.

Claim 58 is dependent on claim 51 and relates to a plurality of coupling connections on the base.

Claim 59 is independent and relates to the stack and module and its position relative to a landscape recess.

C. The Office Action.

The following sections of this brief respond to the positions in the office action.

It is not believed to be necessary to discuss claims 1-20 which have either been withdrawn or cancelled.

Claims 32-49 have already been allowed, and the change to Claim 45 is believed to be minor and not to have changed the scope of the claims. A minor correction was made to Claim 49. Thus Claims 32-49 are believed to continue to be allowable.

Claims 50-57 have been allowed, have not been changed and continue to be allowable.

Claim 30 was objected to as being dependent upon a rejected base claim. Claim 30 has been rewritten in independent form and includes the limitations of Claim 21, the claim from which it depends. In addition the minor/inadvertent error of “gallons per minute” has been corrected to “gallons per hour.” That change is supported by the disclosure. The art does not show the claimed invention. Allowance of claim 30 is solicited.

Claims 26-28. These claims are rejected under 35 U.S.C. §112 and for language reasons believed to be indefinite but indicated to be allowable if rewritten to overcome the objection and to be in independent form. Claim 26, from which claims 27 and 28 are either directly or indirectly independent, has been rewritten in independent form and includes all the limitations of Claim 21. Moreover, the language additions to claim 26 are believed to address the issue of essential structural cooperative relationship. These changes principally define a primary and additional module and the fluid couplings therefore. Similarly, Claim 27 has been amended and is believed to clarify the indefiniteness. Claim 26 in its dependent claims 27 and 28 are believed to be patentable and allowance is respectfully solicited.

Claims 21-23, 29 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by Copeland 444,564.

Copeland discloses an irrigating apparatus where supply tank A for water is connected to and feeds a supply pipe B which in turn feeds the irrigation section E that includes a header pipe E' and branch pipes E². The branch pipes are round and include small round hole-like

perforations through which water oozes into the ground. It is to be noted that the tank A is positioned above ground and is larger in cross section than the supply pipe B. Moreover, the irrigation section E are in the ground, E² is round and the holes are round.

Claim 21 has been amended to require that the horizontal cross section of the base portion be at least as large as the cross section of the body portion. This and the cleaning issue are disclosed. This cross sectional relationship is not shown in the reference. It is assumed that the Examiner is treating the tank A as a body portion and the conduit B as a base. Clearly the reference tank A is larger in cross section than the conduit B -- which is unlike and the opposite -- of the claimed invention. With respect to Claim 29, in Copeland the flow rate in the pipes E is significantly less than the flow rate into the tank, otherwise the tank would be drained. Claim 29 is believed to be patentable.

Copeland does not disclose applicant's invention as Claim 1, at least in view of the relationship between the base and the body. Moreover the dependent claim limitations of interfitting (Claim 22) the L-shaped (Claim 23) the flow rate (Claim 29) and the pump (Claim 31) are not shown, particularly in combination with Claim 21. Claims 21-23, 29 and 31 are believed patentable under 35 USC §102. Allowance is solicited.

Claims 24 and 25. These claims depend through Claims 21 and 22 and relate to a flat bottom for the module and dimensions for the module. Claims 24 and 25 were rejected under 35 U.S.C. §103 as being unpatentable over Copeland. Obviousness is the principal thrust of the rejection. First in view of amendment to Claim 21, as to cross sectional areas, Copeland does not either disclose or suggest such a relationship. The Copeland pipes are round and do not have a flat bottom. Nor are the dimensions of the module suggested by Copeland. In view of at least the differences cited above, the claimed invention is not obvious nor suggested by

Copland. It is submitted that Claims 24 and 25 are not obvious, are believed patentable under 35 USC §103. Allowance is solicited.

D. New Claims 58 and 59.

Claim 58 is dependent upon Claim 21 and relates to a peripheral wall defined by the base portion and a plurality of fluid coupling constructions. This can become important when more than one module is to be secured to the base.

Claim 59 is independent and includes limitations relating to the landscaping recess in which the stack and module are positioned and relates the positioning of the stack and module to the recess. It is respectfully submitted that with respect to this claim, the recess gives life and meaning to the positioning of the stack and module. It is respectfully submitted that these claims are allowable.

IV. CONCLUSION

It is respectfully submitted that in view of the amendments and the status of the case that this case is now in condition for allowance.

More specifically:

Claims 32-49 have been allowed. It is to be noted that Claims 45 and 49 each include a minor change which is not believed to impact allowability of the claims.

Claims 50-57 have been allowed.

Claim 30 has been amended to independent form and should be allowable.

Claim 26, 27 and 28 have been amended to independent form and include language which addresses the rejection under 35 U.S.C. §112. It is respectfully submitted that these claims are allowable.

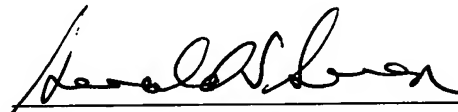
Claims 21-23, 24-25, 29, and 31 have been amended and are believed to be allowable over the art under 35 U.S.C. §§102 and 103.

Claim 58 is not shown in the art and depends from an allowable claim and allowance is respectfully solicited.

Claim 59 establishes the relationship between a landscaping recess and stack and module. This is not shown in the art. Allowance of this claim is solicited.

Respectfully submitted,

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Gerald S. Geren
Registration No. 24,528

Barnes & Thornburg LLP
PO Box 2786
Chicago IL 60690-2786
(312) 357-1313 Telephone
(312) 759-5646 Facsimile
(312) 214-4811 Direct